

City of Graham City Council Meeting Agenda October 8, 2024



6:00 p.m. | City Hall | 201 South Main Street | Graham, NC

CALL TO ORDER: Mayor Jennifer Talley

INVOCATION & PLEDGE OF ALLEGIANCE – Pastor Michael Evans, Graham Bible Methodist

RECOGNITIONS:

- **RETIRING GRAHAM BUSINESS OWNER - DAVID HALL**
David Hall Body Shop, Graham, NC
- **2024 GRAHAM FIRE DEPARTMENT EXPLORER POST #4010**

CONSENT AGENDA:

- To approve the September 10, 2024, Council Meeting minutes and sealed Closed Session minutes.
- To approve a budget amendment appropriating fund balance in the amount of \$7,000, for the repair of planters and to increase the Property Maintenance Department budget by \$7,000.
- To approve a budget amendment appropriating fund balance in the amount of \$30,000, for bank reconciliations and related entries and to increase the Finance Department budget by \$30,000.
- To approve a resolution accepting \$500,000 funding for Drinking Water State Revolving Fund (DWSRF) Emerging Contaminants (EC) funds.
- To approve the request from the Alamance County Veterans Services for the Veterans Day Parade on Saturday, November 9, 2024, which includes the closure of McAden Street pending approval from NCDOT for closure of a State road.
- To approve an amendment to the Graham Historical Museum Advisory Board Bylaws to allow two members who reside in either the extraterritorial jurisdictional area or within Alamance County to serve on the advisory board.

PUBLIC HEARINGS:

1. **ANNEXATION – 0.79 ACRE – Off JIMMIE KERR ROAD - AN2403 – CONTINUED FROM SEPTEMBER 10, 2024, MEETING**

A public hearing has been continued to consider an Annexation Ordinance to extend the corporate limits to the City of Graham for two tracts of land totaling 0.79 acre located off Jimmie Kerr Road.

(Continued from the September 10, 2024, Council meeting.)

2. REZONING – JIMMIE KERR ROAD – UN-ZONED TO B-2 GENERAL BUSINESS

City Council will consider a rezoning from Un-zoned to B-2, General Business for two tracts of land totaling 0.79 acre located off Jimmie Kerr Road.

3. AMENDMENT – DEVELOPMENT ORDINANCE – DISTANCE OF RECREATIONAL OPEN SPACE

City Council will consider approval of an Ordinance amending Article 4, Division 12, Section 10.249, Open Space Provisions for R-12, R-15, and R-18 Zoning Districts in the Development Ordinance adding location requirements for Recreation Open Space.

OLD BUSINESS:

4. PEDESTRIAN PLAN UPDATE DISCUSSION

City Council will discuss the proposed City of Graham Pedestrian Plan Update.
(Continued from the September 10, 2024, Council meeting.)

NEW BUSINESS:

5. AMENDMENT – ORDINANCE – ENCROACHMENTS UPON STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES

City Council will consider an Ordinance amendment to Chapter 18 - Streets, Sidewalks, and Other Public Places, Article 1 - In General, Sections 18-2 and 18-6 of the Code of Ordinances.

PUBLIC COMMENT PERIOD

CITY STAFF COMMENTS

CITY COUNCIL COMMENTS

ADJOURN



GRAHAM NORTH CAROLINA

STAFF REPORT

SUBJECT:	RECOGNIZING 2024 GRAHAM FIRE EXPLORER TEAM
PREPARED BY:	CHIEF TOMMY COLE

REQUESTED ACTION:

Fire Chief is requesting City Council to recognize the Graham Fire Department Explorer Team and Haw River Junior Firefighter Team. The members participated in a state-wide junior firefighter competition on August 17, 2024. The competition was hosted by the Haw River Fire Department. Also recognizing GFD Fire Explorer Leader Bryan Smith and HRFD Junior Firefighter Lead Advisor Amber Murray for their leadership.

BACKGROUND/SUMMARY:

On August 17, 2024, the Graham Fire Department Fire Explorer Post # 4010 participated in a state-wide Junior Firefighter Competition hosted by the Haw River Fire Department. Seven teams from across North Carolina participated in the event. Because of a close training relationship with the Haw River Junior Firefighter team, members from both departments joined forces in some of the competition challenges to form more than one team to compete. Collectively, our team won 1st place in the most difficult challenge and 3rd place overall.

The Fire Explorers and Junior Firefighters are the future members of our departments and we are so proud of their accomplishments.

FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Staff recommends to Council that the Explorer and Junior Firefighters be publicly recognized for their accomplishments and contributions to the Graham and Haw River Fire Departments, at the October 2024 Council meeting.

SUGGESTED MOTION(S):

N/A

City of Graham

City Council Meeting Minutes

September 10, 2024



The City Council of the City of Graham held a regularly scheduled meeting at 6:00 p.m. on September 10, 2024, in the Council Chamber, City Hall Municipal Building at 201 South Main Street, Graham, NC.

Council Members Present:

Mayor Jennifer Talley
Mayor Pro Tem Ricky Hall
Council Member Bobby Chin
Council Member Joey Parsons
Council Member Bonnie Whitaker

Staff Present:

Megan Garner, City Manager
Aaron Holland, Assistant City Manager
Bryan Coleman, City Attorney
Bob Ward, City Attorney
Renee Ward, City Clerk

CALL TO ORDER: Mayor Jennifer Talley

INVOCATION & PLEDGE OF ALLEGIANCE

Council Member Parsons gave the invocation and all stood for the Pledge of Allegiance.

PROCLAMATION: CONSTITUTION WEEK – BATTLE OF ALAMANCE CHAPTER

Mayor Talley presented Ms. Sandra Aldridge, Battle of Alamance Chapter of the American Daughters of the American Revolution, Chairman of Constitution Week, with a proclamation honoring Constitution Week.



CONSENT AGENDA:

- a. To approve the August 13, 2024, Council Meeting minutes and sealed Closed Session minutes.
- b. To approve a budget amendment to move \$77,000 from water administration to water and sewer distribution, approve two title changes: Water Billing Supervisor to Customer Service Supervisor and Utility Billing Technician to Utility Meter Technician.

CITY OF GRAHAM					
BUDGET AMENDMENT ORDINANCE					
2024-2025					
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT					
THE 2024 - 2025 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:					
Section 1.					
EXPENDITURES					INCREASE
DEPARTMENT/ACCOUNT	APPROVED	AMENDED	INCREASE	(DECREASE)	(DECREASE)
Water Billing Administration	675,700.00	598,700.00	(77,000.00)		(77,000.00)
Water and Sewer Distribution	2,189,837.00	2,266,837.00	77,000.00		
			-	-	(77,000.00)
Adopted this 10th day of September 2024.					

- c. To approve a budget amendment to recognize \$10,080 in insurance proceeds revenue and increase the Police Department Capital Outlay budget by \$10,080.

CITY OF GRAHAM					
BUDGET AMENDMENT ORDINANCE					
2024-2025					
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT					
THE 2024 - 2025 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:					
Section 1.					
EXPENDITURES					INCREASE
DEPARTMENT/ACCOUNT	APPROVED	AMENDED	INCREASE	(DECREASE)	(DECREASE)
Police Department - Capital Outlay	90,000.00	100,080.00	10,080.00		10,080.00
	90,000.00	100,080.00	10,080.00	-	10,080.00
Section 2.					
REVENUES					INCREASE
	APPROVED	AMENDED	INCREASE	(DECREASE)	(DECREASE)
General Fund - Insurance Proceeds	-	10,080.00	10,080.00		10,080.00
	-	10,080.00	10,080.00	-	10,080.00
Adopted this 10th day of September 2024.					

- d. To approve a budget amendment of \$26,250 for matching funds for the Accessible Parks Grant for ADA projects at the Graham Recreation Center and \$2,000 for the haunted train attraction at the Pumpkin Bash.

2024-2025					
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT					
THE 2024 - 2025 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:					
Section 1.					
EXPENDITURES					INCREASE
DEPARTMENT/ACCOUNT	APPROVED	AMENDED	INCREASE	(DECREASE)	(DECREASE)
Capital Outlay - Other Improvements	56,000.00	82,250.00	26,250.00		26,250.00
Other Programs	124,000.00	126,000.00	2,000.00		2,000.00
	180,000.00	208,250.00	28,250.00	-	28,250.00
Section 2.					
REVENUES					INCREASE
	APPROVED	AMENDED	INCREASE	(DECREASE)	(DECREASE)
Fund Balance Appropriation	\$1,179,282.00	\$1,207,532.00	28,250.00		28,250.00
	1,179,282.00	1,207,532.00	28,250.00	-	28,250.00
Adopted this 10th day of September 2024.					

- e. To approve closing streets for Graham High School's Homecoming Parade on October 4, 2024, from 4:45 pm to 5:30 pm. The procession will begin at Albright Avenue, down Main Street, around Court Square, down Pine Street, and end at Graham Middle School.
- f. To approve a settlement of uncollected Real and Personal Property taxes totaling \$125,721.07, for fiscal year 2023-2024 and tax releases for \$1,401.13.

CITY OF GRAHAM RELEASE ACCOUNTS				
SEPTEMBER				
ACCT #	YEAR	NAME	REASON FOR RELEASE	AMOUNT RELEASED
2898	2024	ANGELA WILEY	QUALIFIED FOR HOMESTEAD EXEMPTION	\$138.79
3947	2024	VICTOR E NEESE	QUALIFIED FOR HOMESTEAD EXEMPTION	\$471.09
4046	2024	BARRY BRADSHER	QUALIFIED FOR HOMESTEAD EXEMPTION	\$130.46
16174	2024	SUE BARNWELL	QUALIFIED FOR HOMESTEAD EXEMPTION	\$130.46
14015	2024	AUSLEYS CHEVELLE PARTS	NO LONGER OWNS BOAT	\$320.34
160845	2024	WAYNE TILSON JR	DID NOT OWN BOAT JAN 1 2024	6.20
353213	2018	FISH TECH INC	CLOSED BUSINESS 12/31/2017	\$45.49
353213	2019	FISH TECH INC	CLOSED BUSINESS 12/31/2017	\$37.19
353213	2020	FISH TECH INC	CLOSED BUSINESS 12/31/2017	\$32.17
353213	2021	FISH TECH INC	CLOSED BUSINESS 12/31/2017	\$28.78
353213	2022	FISH TECH INC	CLOSED BUSINESS 12/31/2017	\$26.62
353213	2023	FISH TECH INC	CLOSED BUSINESS 12/31/2017	\$16.77
353213	2024	FISH TECH INC	CLOSED BUSINESS 12/31/2017	\$16.77

- g. To approve a resolution opting out of the Tyco and BASF Class Action Settlements In Re: Aqueous Film -Forming Foams Products Liability Litigation US District Court of South Carolina.

**RESOLUTION OPTING OUT OF THE TYCO AND BASF
CLASS ACTION SETTLEMENTS
IN RE: AQUEOUS FILM-FORMING FOAMS PRODUCTS LIABILITY LITIGATION
US DISTRICT COURT OF SOUTH CAROLINA
MDL NO. 2:18-MN-2873; CASE NOS. 2:24-CV-03174 AND 2:24-CV-02321**

WHEREAS, per- and polyfluoroalkyl substances ("PFAS") are a large group of human-made chemicals, components of which break down very slowly over time and may be linked to harmful effects in humans and animals; and,

WHEREAS, thousands of lawsuits relating to PFAS have been combined into multi-district litigation in the U.S. District Court for the District of South Carolina *In re Aqueous Film- Forming Foams Products Liability Litigation* (No. 2:18-mn-2873-RMG) ("MDL"); and,

WHEREAS, hundreds of the cases in the MDL were brought by U.S. drinking water providers alleging that PFAS manufacturers, including BASF and Tyco, contaminated the drinking water of those providers; and,

WHEREAS, the U.S. District Court for the District of South Carolina has given preliminary approval to separate class-action settlements for MDL defendants BASF and Tyco for drinking water claims ("the BASF and Tyco Settlements"); and,

WHEREAS, the City of Graham operates a public water utility with a water treatment plant, the Graham-Mebane Water Treatment processing raw water from the Graham-Mebane Lake watershed; and,

WHEREAS, the City of Graham's public water utility is comprised of said water treatment plant and a unified distribution system for the City of Graham and serving neighboring North Carolina municipalities, in whole or in part, including the Town of Green Level, the Town of Swepsonville, and the City of Mebane; and,

WHEREAS, the City of Graham is a member of the proposed classes in the BASF and Tyco Settlements because it is a "Public Water System" under the terms of the BASF and Tyco Settlements; and,

WHEREAS, the terms of the BASF and Tyco Settlements require class members who do not wish to participate in the settlements to actively opt out to avoid being bound by the terms of the settlements; and,

WHEREAS, members of the proposed classes of water providers have until October 15, 2024, to opt out of the BASF Settlement and until September 23, 2024, to opt out of the Tyco Settlement; and,

WHEREAS, the BASF and Tyco Settlements include broad releases of future PFAS-related claims; and,

WHEREAS, PFAS is known to impact media other than drinking water, including soil, wastewater, and groundwater, and federal and North Carolina state regulations for PFAS are expected to be enacted in 2024 and beyond; and,

WHEREAS, the City of Graham has sampled for PFAS in its active drinking water source in compliance with federal drinking water regulations and, to date, has detected PFAS in those sources; and,

WHEREAS, the City of Graham plans to continue to sample its active drinking water sources in 2024 in accordance with new, federal drinking water standards; and,

WHEREAS, the North Carolina Department of Environmental Quality ("NC DEQ") and the City of Graham have begun and plan to continue to sample and investigate various media including stormwater, groundwater, wastewater, and soil for PFAS contamination; and,

WHEREAS, the City may incur costs associated with PFAS impacts in the future and more time is needed for the City to gain a better understanding of the scope of future legal, financial, and operational impacts of PFAS; and,

WHEREAS, it is in the public interest for the City to preserve any PFAS-related claims the City may have against BASF, Tyco, and other potential defendants until the risks and impacts of PFAS are better understood.

THEREFORE, the Graham City Council resolves that the City Manager, and outside counsel, F. Paul Calamita, is authorized to file an opt-out notice on behalf of the City of Graham in accordance with the Settlement Agreements.

Adopted this 10th day of September 2024.

Mayor Pro Tem Hall motioned to approve the Consent Agenda items, seconded by Council Member Chin. The motion passed unanimously.

PUBLIC HEARING:

ITEM 1: ANNEXATION – 0.79 ACRES – Off JIMMIE KERR ROAD- AN2403

A public hearing was scheduled to consider an Annexation Ordinance to extend the corporate limits to the City of Graham for two tracts of land totaling 0.79 acre located off Jimmie Kerr Road.

Assistant City Manager Holland asked the Council to table the annexation request to the October 8, 2024, Council meeting due to the rezoning request being tabled by the Planning Board.

Motion by Mayor Pro Tem Hall to table the annexation to the October 8, 2024, Council meeting, seconded by Councilmember Chin. The motion passed unanimously.

NEW BUSINESS:

ITEM 2: SESQUICENTENNIAL PARK – REQUEST FOR BIDS

City Staff sought direction from Council regarding alternatives to be included in the request for bids for the Sesquicentennial Park.

City Manager Garner shared that City Council had discussed potentials for the Sesquicentennial Park at the March and April Council meetings of this calendar year. She stated staff was instructed to get quotes or estimates on the cost of repairing the park or relocating it. She shared staff had been unsuccessful in receiving any firm quotes, therefore, staff would like to ask for direction from Council on what alternatives the Council would like to be considered when issuing the request for bids.

Mayor Talley stated there was misinformation given out regarding tonight's agenda item. She stated the agenda item before Council tonight was to discuss putting out a request for bids for repairs. She expressed how difficult it had been to get prices. She stated there was discussion about the possibility of the prices coming in too high, and what other alternatives could be considered for the park. She shared that when the building collapsed, it had a large basement, and a lot of the building debris was used to fill in the basement. However, it was not properly compacted, which left many voids between the park floor and the debris. She shared several ideas people had for the park but no decision would be made about the park until the bids come in.

Mayor Talley stated that everyone needed to wait until the price for repairing the park came back. She stated in her opinion, the cost would be significant. She reiterated any decision about the park would be made after Council received all the facts. She asked that staff include in the RFP for contractors to bid based on the amount of dirt being removed.

Mayor Talley shared the Council had always taken into account for the bricks to be salvaged. She stated there had been suggestions about moving the park and possibly moving the bricks out to the sidewalk. She reiterated the bricks would never be thrown away.

Council Member Chin stated the RFP should break the cost down into disassembling and reassembling the memorial, saving all bricks, structures, etc. He stated there should be a separate cost for excavating and stabilizing the floor and the cost to put the park back. He stated Council would not do away with the bricks and the memorial and the decision would be made based on the costs. He stated depending on the costs, it may be brought before the community to make a decision.

Mayor Talley asked if he was speaking of a referendum.

Council Member Chin responded yes.

Council Member Chin further stated the park was not going to be removed, demolished, or thrown away. He stated the park would be saved and it would be determined when it is rebuilt, where it would be erected, its original location or another location.

Council Member Whitaker stated Council needed the results of bids to see what the Council would be dealing with and possibly ask for public opinion.

Council Member Parsons stated the reason this came up was because the park had become unsafe and was a liability. He questioned if it were to cost a million dollars to fix the park, if that would be the best use of money when people are in need of water line replacements. He asked if the outside group that built the park could re-form and look at ways to raise money because Graham did not construct the park.

Mayor Pro Tem Hall motioned to put out RFP's for Options 1, 2, and 3, seconded by Council Member Whitaker. The motion passed unanimously.

Options:

- 1) Repair the park in its current location
- 2) Move the park to the Civic Center
- 3) Remove the park and grade the top surface only of the property

ITEM 3: SIGNATURE EVENT – DOWNTOWN GRAHAM – STREET CLOSURES

City Council considered the closure of the 100 blocks of East and West Elm Streets, North and South Main Streets, the public parking lot at the intersection of East Elm Street and Marshall Street, and the public parking lot on the 100 block of West Elm Street from 6:00 am to 6:00 pm on May 17, 2025.

Ms. Emma Griffin, Program Supervisor, Recreation and Parks, stated the request tonight was for the street closures for the upcoming new signature event on May 17, 2025, and to provide Council with an update on the downtown business owners meetings held on September 4, 2024, at 9:30 am and 5:30 pm. She stated eleven people attended, including Mayor Talley. She shared issues noted by businesses were parking concerns for business owners and employees, the layout of vendors, and the variety and quality of art vendors. Ms. Griffin stated staff had explored options to allow a portion of a parking lot to be reserved for business owners and their employees to park. She stated the biggest concern was the layout of the vendors and shared that vendors would be set up in the middle of the street with the opening of tents facing storefronts. She shared the variety and quality of vendors would be true artisans and it was the consensus of staff, Council, and businesses to focus on true artists. Ms. Griffin stated there would be an application process and a committee would approve vendors for the event.

Mayor Pro Tem Hall motioned to approve closing the 100 blocks of East and West Elm Streets, North and South Main Streets, the public parking lot at the intersection of East Elm Street and Marshall Street, and the public parking lot on the 100 block of West Elm Street from 6:00 am to 6:00 pm on May 17, 2025, seconded by Mayor Talley.

Ms. Griffin asked that Council approve the name of the event so they could move forward with marketing and reaching out to vendors. She stated at the last meeting staff was instructed to bring alternative names for the event. She stated Arts Around the Square was an option as well as Arts Squared and Love Graham Festival.

Mayor Talley stated she would like for it to be called Arts Around the Square because it has intellectual value and people know what it is.

Mayor Talley motioned to name the event Arts Around the Square, seconded by Council Member Chin. The motion passed unanimously.

ITEM 4: CIVILIAN TRAFFIC INVESTIGATOR

City Council considered a title change from Traffic Enforcement Officer to Civilian Traffic Investigator, to transition the existing employee from part-time to full-time effective September 22, 2024, and to approve a Budget Amendment for \$42,000 to cover the expenses through the end of fiscal year 2025.

City Manager Garner stated at the August 13, 2024, Council meeting, City Council decided via consensus to direct staff to evaluate the possibility of transitioning the existing part-time Traffic Enforcement Officer to full-time. When evaluating the potential duties of this position, the following were identified:

- Business district patrols for the observance and reporting of ordinance violations. Employees would regularly make contact with the business owners to address and report local concerns to the proper city departments.
- The individual in this job class would continue to fulfill the duties of the parking enforcement officer and provide additional foot patrols in the business district. In addition to the traffic enforcement and public outreach duties, this position would also be able to investigate traffic crashes involving only property damage. In 2023, the Graham Police Department responded to 250 property damage crashes along S. Main Street from Albright Avenue to Ivey Road. That accounted for approximately 25% of all property damage traffic crashes in 2023. The ability to employ a civilian traffic investigator would allow our agency to free up sworn personnel to handle other areas of concern in their assigned zones.

City Manager Garner stated if this was something the Council would like to consider, a budget amendment would be required to cover the expenses from now until the end of the year. She stated the budget amendment was in the amount of \$42,000.

Mayor Pro Tem Hall motioned to approve the title change from Traffic Enforcement Officer to Civilian Traffic Investigator and moving to a full-time position effective September 22, 2024, and approve a budget amendment for \$42,000, seconded by Council Member Chin. The motion passed unanimously.

Tom Boney, Alamance News stated his recollection from last month's discussion was that part of the interest of Council for changing this position was to deal with the homeless situation downtown.

Mayor Talley stated if the employee was in the downtown area full-time and there were any issues, he would be aware of them and could call an officer.

Police Chief Baker stated currently Mr. Verone alerts the district officer to respond if there is anything abnormal, unusual, or questions he cannot answer.

Mr. Boney stated he thought this position was to deal with complaints and concerns about homelessness and panhandling but did not see that in the description.

Mayor Talley stated the City Manager had relayed to the Police Chief that it would be part of his training to be monitoring for loitering, sleeping, or aggressively panhandling and also for those jaywalking, skateboarding, etc.

CITY OF GRAHAM					
BUDGET AMENDMENT ORDINANCE					
2024-2025					
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT					
THE 2024 - 2025 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:					
Section 1.					
EXPENDITURES					
DEPARTMENT/ACCOUNT	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Police Department (salary and related lines)	6,596,342.00	6,638,342.00	42,000.00		42,000.00
	6,596,342.00	6,638,342.00	42,000.00	-	42,000.00
Section 2.					
REVENUES					
	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Fund Balance Appropriation	\$1,207,532.00	\$1,249,532.00	42,000.00		42,000.00
	1,207,532.00	1,249,532.00	42,000.00	-	42,000.00
Adopted this 10th day of September 2024.					

ITEM 5: AMEND CODE OF ORDINANCE – CANVASSERS’ AND SOLICITORS’ PERMIT HOURS AND DURATION

City Council considered an Ordinance amendment to Chapter 8-Businesses, Article IV-Canvassers’ and Solicitors’ Permit, Sections 8-104 and 8-113 of the Code of Ordinances.

Assistant City Manager Aaron Holland stated after the August 13, 2024, City Council meeting, staff was directed by Council to review current ordinances pertaining to Chapter 8, Article IV, Canvassers’ and Solicitors’ Permit. It was suggested that staff research other municipalities that applied regulations on hours permitted for peddling and effective days of the permit. He stated based on a review, staff was recommending that peddling within the City be prohibited between the hours of 7:30 p.m. to 9:00 a.m. and the effective date of an issued permit be amended from 180 days to 90 days.

Mayor Pro Tem Hall motioned to approve the Ordinance amendment to Chapter 8- Business, Article IV-Canvassers’ and Solicitors’ Permit, Sections 8-104 and 8-113 of the Code of Ordinances, seconded by Council Member Chin. The motion passed unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAHAM, AMENDING CHAPTER 8, ARTICLE IV, SEC. 8-104 AND 113 TO THE CODE OF ORDINANCES OF THE CITY OF GRAHAM, NORTH CAROLINA

The City Council of the City of Graham, North Carolina, does ORDAIN:

Sec. 1. That the Code of Ordinances, City of Graham, North Carolina, is hereby amended by amending sections 8-104 and 113, which said sections read as follows:

Chapter 8 – BUSINESSES

ARTICLE IV. – CANVASSERS’ AND SOLICITORS’ PERMIT

Sec. 8-104. - Required.

(a) It shall be unlawful for a solicitor or canvasser to enter upon any private premises when such premises are posted with a sign stating "No Solicitors or No Solicitations allowed".

(b) If, at the entrances to a neighborhood with a property owners association, a visible sign that says "no soliciting" or that has comparable language indicating that solicitation is unwelcome has been posted by the association pursuant to authority granted to it, it shall be a violation of this section for a solicitor to go onto or into any private premises in that neighborhood, regardless of whether that particular residence has a "no soliciting" or comparable sign posted, for the purpose of soliciting orders for the sale of, disposing of, or peddling or hawking of goods, wares, and merchandise.

(c) Regardless of whether a private premise has a "no soliciting" sign or comparable sign posted, it shall be a violation of this section if a solicitor does not immediately leave a private premise after being told to do so by any owner or occupant of the residence.

ADD:

(d) It shall be unlawful for any peddler or solicitor to engage in the business of peddling within the City between the hours of 7:30 p.m. to 9:00 a.m.

Sec. 8-113. - Duration.

AMEND:

A permit issued under the provisions of this article shall be effective ~~180~~ **90** days from the issuance date unless the application requests permission to do business for a lesser period, in which case the permit shall be valid for such period.

ITEM 6: PEDESTRIAN PLAN UPDATE DISCUSSION

City Council discussed the proposed City of Graham Pedestrian Plan Update.

Mayor Talley stated she had not been able to review the whole plan and asked if this could be postponed to the next meeting.

City Manager Holland stated there was no action needed from Council tonight but if anyone had any questions or comments for staff to take back to the consultant, to send those to him.

PUBLIC COMMENT PERIOD

Mr. Sam Powell, Burlington, shared he was the co-chair of the Sequicennennial Park Committee along with Pat Bailey. He shared the vision for the park was to be a lasting memorial. He asked the Council to consider keeping the park.

Ms. Louise Wilson, 503 Thompson Road, Graham, shared she was born and raised in Graham. She shared the history of the bricks and what it meant for those people and businesses who bought bricks honoring special people. She asked that the Council preserve the park.

Mr. Paul Keller, 410 Stonehedge Drive, retired Graham business owner, asked what the council meant by moving the park and asked for clarification.

Councilmember Chin stated if the park cannot be built back where it is or becomes economically infeasible, it had to be repaired and that was what the bids were for. He stated the park was not going to be demolished or thrown away and the question was if it cannot be put back in its original location, where could it be placed for the citizens to benefit.

Mayor Talley stated it was suggested to move the park to the Civic Center in a nice shaded area and place the bricks on the sidewalk downtown.

Mr. Keller asked if the park had to be moved, to relocate it to City property. He stated he was opposed to selling the property to a private developer.

Griffin McClure, 622 Johnson Avenue, Graham, asked that the conversations continue and had hoped to get numbers on the cost of repairing. He shared that 149 people had signed a petition and asked that the park not be moved or the property sold. He asked if the Council's motivation was to keep the green space, why were they not talking to New Leaf, Impact Alamance, or the Alamance Community Foundation. He asked the Council to consider keeping the park.

Tom Boney, Alamance News, questioned the agenda description regarding options for the Sesquicentennial Park. He asked where was the Council's priority and that it needed to be repairing the park and to choose option one.

CITY STAFF COMMENTS

Assistant City Manager Holland stated staff had been approached by an individual who would like to utilize city parking lots to place a semi-permanent fixture such as a dumpster. He would like to bring back language for Council to consider.

The consensus of Council was to bring back language at next month's meeting to consider using semi-permanent fixtures on city lots.

CITY COUNCIL COMMENTS

Council Member Parson stated there was a request from the Graham Historical Museum Board to amend its by-laws to allow two Alamance County members to the board. He also asked for the City Attorney to review the boards and commissions attendance policy.

Ms. Louise Wilson, 503 Thompson Road, Graham, spoke about the history of Arts Around the Square.

Mayor Talley:

- 1) Quote for the repair of planters downtown was \$6,500. Council consensus was to move forward and bring back a budget amendment at the next meeting.
- 2) Riley Meadows, a resident concerned with people parking on a very narrow roadway. They asked for no parking signs and for the developer to provide parking. Assistant City Manager Holland stated staff would review and report back.

Council Member Chin reminded everyone of the Ballon Festival this weekend. There would be nine bands, 44 balloons, K-9 demonstrations, a car show, a Jeep show, a 5K race, an honor guard, a 9/11 program, balloon tethering, and more.

Council Member Whitaker stated the Appearance Commission asked about helping with banners downtown and asked to partner with the City regarding banners. Assistant City Manager Holland suggested bringing back options for the Council to consider.

CLOSED SESSION:

Mayor Talley asked to be recused from the closed session.

Council Member Whitaker motioned to allow Mayor Talley to be recused from the closed session, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

City Council considered going into closed session to discuss a legal matter pursuant to the terms of N.C.G.S. 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body.

Motion by Council Member Chin, seconded by Mayor Pro Tem Hall to go into closed session to discuss a legal matter pursuant to the terms of N.C.G.S. 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body.

Motion by Mayor Pro Tem Hall to go out of closed session, seconded by Council Member Whitaker. The motion passed unanimously.

Motion by Council Member Whitaker to return to open session, seconded by Council Member Chin. The motion passed unanimously.

ADJOURN

Motion by Mayor Pro Tem Hall to adjourn, seconded by Council Member Whitaker. The motion passed unanimously. The meeting adjourned at 8:15 p.m.

Renee M. Ward, CMC
City Clerk



STAFF REPORT

SUBJECT:	BUDGET AMENDMENT FOR PLANTERS
PREPARED BY:	MEGAN GARNER

REQUESTED ACTION:

Approve a budget amendment appropriating fund balance in the amount of \$7,000 for the repair of planters and increase the Property Maintenance Department budget by \$7,000.

BACKGROUND/SUMMARY:

As discussed recently by City Council, planters in the downtown area have been damaged and need repair. Since discussion held at the September Council meeting, another planter has been damaged and \$7,000 is needed to make the necessary repairs. In total, two planters need repair to be put back in use and three more require significant repair. A few others have some minor damage, such as loose bricks, that need to be repaired.

FISCAL IMPACT:

The \$7,000 will increase the expenditures 10-6450-1550/maintenance and repair of grounds and fund balance appropriation revenue.

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S)

I move to approve the budget amendment appropriating fund balance in the amount of \$7,000 for the repair of planters and increase the Property Maintenance Department budget by \$7,000.

CITY OF GRAHAM

**BUDGET AMENDMENT ORDINANCE
2024-2025**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT
THE 2024 - 2025 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:**

Section 1.

EXPENDITURES

DEPARTMENT/ACCOUNT	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Property Maintenance (maintenance/repair)	23,000.00	30,000.00	7,000.00		7,000.00
	23,000.00	30,000.00	7,000.00	-	7,000.00

Section 2.

REVENUES

	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Fund Balance Appropriation	\$1,249,532.00	\$1,256,532.00	7,000.00		7,000.00
	1,249,532.00	1,256,532.00	7,000.00	-	7,000.00

Adopted this 8th day of October 2024.

Attest:

Mayor Jennifer Talley

Renee M. Ward, City Clerk



STAFF REPORT

SUBJECT:	BUDGET AMENDMENT FOR BANK RECONCILIATIONS AND FINANCE ENTRIES
PREPARED BY:	MEGAN GARNER

REQUESTED ACTION:

Approve a budget amendment appropriating fund balance in the amount of \$30,000 for bank reconciliation and related entries and increase the Finance Department budget by \$30,000.

BACKGROUND/SUMMARY:

The City contracted with the Greg W. Isley (GWI) accounting firm to complete bank reconciliations and related entries. Due to the missing entries for fiscal year 2023-2024, which increased the work load of the firm, the cost to complete the bank reconciliations has increased. GWI highlights some of the deficiencies they noted from July 2023 - April 2024 in the attached letter.

FISCAL IMPACT:

The \$30,000 will increase the expenditures 10-4400-7500/audit and fund balance appropriation revenue.

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S)

I move to approve the budget amendment appropriating fund balance in the amount of \$30,000 for bank reconciliation and related entries and increase the Finance Department budget by \$30,000.

TO: The City of Graham

As a result of the GWI, PA, CPA firm (GWI) performing the bank reconciliations for months October 2023 through April of 2024 of the FY2024, some matters have come to our attention that we believe the City should be made aware of.

The issues that we noted are issues that, we believe, has resulted in misinformation, per the General Ledger, for:

- Cash flow information provided to the City Manager and the City Board,
- The City's cash position,
- The City's financial position.

The issues noted are as follows:

A number of cash receipts were not posted to the General Ledger. The results of these cash receipts not being posted showed the City in a negative cash position for several months.

October 2023:

A total of **\$545,356** Cash receipts that occurred in October of 2023, per the bank statement, were not posted to the General Ledger.

November 2023:

A total of **\$11,081** cash receipts that occurred in November 2023 per the bank statement, were not posted to the General Ledger.

December 2023:

A total of **\$304,826** cash receipts that occurred in December 2023 per the bank statement, were not posted to the General Ledger.

January 2024:

A total of **\$16,312,310** cash receipts that occurred in January 2024, per the bank statement, were not posted to the General Ledger.

The majority of those cash receipts that were not posted to the General Ledger was tied to a reimbursement from the state for \$16,303,540. Failure to post this cash receipt resulted in a negative cash balance for the City.

The issue was not caught until GWI questioned the negative cash balances for the months of January 2024 through April of 2024.

Because of the magnitude of items and dollars of cash receipts that have not been posted to the General Ledger, GWI has requested they be posted so that the bank reconciliations are not so complicated and difficult to reconcile.

These need to be posted so the reconciliation of bank balance to General Ledger is easier to determine, which is going to slow up the City's year end closing for audit.

Adjusting Journal Entries for FY 2023 were not posted:

Before beginning the bank reconciliations for FY2024, GWI needed to verify that the beginning cash balances for FY2024 matched the ending "audited" cash balances for FY2023.

During this analysis, GWI determined that the forty-seven (47) adjusting journal entries from the audit for FY2023 were never posted to the General Ledger.

This issue was determined in April of 2024. I am not sure why, when the City transitioned from Logics to MCSJ accounting system in October, these transactions were not posted so FY2024 beginning balances in MCSJ would match FY2023 ending balances.

Again, not having the correct beginning balances is holding up the progress of the bank reconciliations as well as making them more complicated.

P Card Cancelled Transactions:

While performing the November 2023 Bank Recon, GWI staff noted a difference between the General Ledger PCard Transactions on the November bank statement and the total of PCard transactions in the General Ledger.

It appears that some merchandise/purchases, charged on the PCard in November, were returned/cancelled. These returns/cancellations were causing the difference between the bank statement amounts and the General Ledger amounts. However, when these returns/cancellations were entered in the General Ledger, there were no descriptions for the transactions, at all.

Had there been a description for these reversal transactions, they could have been matched up to the PCard purchases in the General Ledger and the amounts per the General Ledger would have readily tied back to the bank statement.

As it were, the lack of any transaction description in the General Ledger amounted in time spent, that should not have been, trying to find the difference between the PCard transactions per the bank statement and the PCard transactions per the General Ledger.

Reconciling Items per Bank Reconciliation Not Posted:

When GWI started the bank reconciliations for FY2024, we began with the month of October as contracted because July 2023-September of 2023 were completed.

However, we did look back at September's bank reconciliation to determine any items that were outstanding or in-transit that would be clearing in October.

What we noted in the look-back is that the reconciling items, deposits received per the bank statement but not posted to the General Ledger, for July, 2023 and August, 2023 were still outstanding as April of 2024.

Of course, "not" posting the deposits, made per the bank statement, into the General Ledger for months means those items have to be carried forward, for months, making the bank reconciliation more difficult and harder to identify current items that may be the reason the bank balance and general ledger balances don't reconcile for the current month being reconciled.

GWI is offering, what we believe, are issues that have made the catch-up of the City's bank reconciliations more complex and therefore more costly.

The bigger concern is the information needed by the City Manager and City Board was sorely misleading given GWI's findings and the untimeliness of the findings.

We hope that the City of Graham's Management find the information regarding these issues helpful in making sure the City does not fall into this situation again.

A handwritten signature in cursive script, appearing to read "Beth A. Wood".

Beth A. Wood, CPA

Director of Governmental Services

Greg W. Isley, CPA, PA

CITY OF GRAHAM

**BUDGET AMENDMENT ORDINANCE
2024-2025**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT
THE 2024 - 2025 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:**

**Section 1.
EXPENDITURES**

DEPARTMENT/ACCOUNT	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Finance (audit)	55,000.00	85,000.00	30,000.00		30,000.00
	55,000.00	85,000.00	30,000.00	-	30,000.00

**Section 2.
REVENUES**

	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Fund Balance Appropriation	\$1,279,532.00	\$1,309,532.00	30,000.00		30,000.00
	1,279,532.00	1,309,532.00	30,000.00	-	30,000.00

Adopted this 8th day of October 2024.

Attest:

Mayor Jennifer Talley

Renee M. Ward, City Clerk



STAFF REPORT

SUBJECT:	REOLUTION FOR EMERGING CONTAMINANTS STUDY FUNDS
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

REQUESTED ACTION:

Approve the resolution accepting \$500,000 funding for Drinking Water State Revolving Fund Emerging Contaminants funds.

BACKGROUND/SUMMARY:

The Division of Water Infrastructure has reviewed preliminary project scope information dated May 6, 2024 and the preliminary scoping document has been approved. The referenced project is now authorized to receive funding from the Bipartisan Infrastructure Law Drinking Water State Revolving Fund Emerging Contaminants funds. In order to complete acceptance of funding, the governing body (City Council) must adopt the following resolution and making the applicable Conditions and Assurances contained therein.

FISCAL IMPACT:

This funding continues activities and planning efforts associated with the removal of per- and polyfluoroalkyl substances (PFAS)

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

I move we approve the resolution accepting \$500,000 funding for Drinking Water State Revolving Fund (DWSRF) Emerging Contaminants (EC) funds.

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, the Bipartisan Infrastructure Law (BIL) of 2021 and North Carolina General Statute (NCGS) 159G have authorized the making of principal forgiveness loans to aid eligible, drinking-water system owners in financing pre-construction activities and planning efforts associated with the removal of per- and polyfluoroalkyl substances (PFAS); and

WHEREAS, the North Carolina Department of Environmental Quality has offered a Drinking Water State Revolving Fund – Emerging Contaminants (DWSRF-EC) loan with principal forgiveness in the amount of \$500,000 to conduct *Drinking Water Emerging Contaminants Study*, hereafter referred to as the “Project”; and

WHEREAS, the *City of Graham* intends to conduct said Project in accordance with a scope of work that was approved by the North Carolina Division of Water Infrastructure.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAHAM does hereby accept the DWSRF-EC principal forgiveness loan offer in the amount of \$500,000: and

That the *City of Graham* does hereby give assurance to the North Carolina Department of Environmental Quality that they will adhere to all applicable items specified in the standard “Conditions” and “Assurances” of the Department’s funding offer, awarded in the form of a DWSRF-EC principal forgiveness loan; and

That *Megan Garner (City Manager)* and successors so titled, is hereby authorized and directed to furnish such information, as the appropriate State agency may request, in connection with such application or the Project; to make the Assurances as contained above; and to execute such other documents as may be required in connection with the application; and

That the *City of Graham* has complied substantially or will comply substantially with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the Project, and to Federal and State grants and loans pertaining thereto.

Adopted this the 8th day of October 2024, Graham, North Carolina.

Mayor Jennifer Talley

Attest:

Renee M. Ward, CMC
City Clerk



STAFF REPORT

SUBJECT:	STREET CLOSURE FOR VETERANS DAY FESTIVAL
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

REQUESTED ACTION:

Approve the Veterans Day Parade request and closure of McAden Street submitted by the Alamance County Veteran Services for November 9, 2024.

BACKGROUND/SUMMARY:

The Alamance County Veterans Services requests the approval of the Veterans Day Parade as described in the attached application and the following parade route. The route would include the procession beginning at Parker Street and North Main Street, preceding down North Main Street to South Main Street, and ending on McAden Street at Graham Middle School's back parking lot. The requested closure of these streets would be from 9am to 12:30 pm and would need to be approved by NCDOT as these are State roads excluding McAden Street which is a City street.



FISCAL IMPACT:

There is no fiscal impact to the City of Graham in order to close the street.

STAFF RECOMMENDATION:

Approval. The various City departments that may be involved have reviewed the request and have provided the organizer with pertinent information that will need to be satisfied.

SUGGESTED MOTION(S):

I move we approve the request from the Alamance County Veterans Services for the Veterans Day Parade on November 9, 2024, which includes the closure of McAden Street pending approval from NCDOT for the closure of the State roads.



1. Your email: tammy.crawford@alamancecountync.gov
2. Event name (if applicable): Veteran's Day Parade
3. Reason for the event (be specific): To honor our veterans
4. Event date(s): Nov 9, 2024
5. Provide your event's setup, start, end, and cleanup times. (Ex: Name of Event 6:30 a.m. - 8 a.m. setup | 8 a.m. event start | 2 p.m. event ends | 2 p.m. - 4 p.m. cleanup):
Parade setup- 6am, Event start 10am, Event ends- 12pm

6. Event category

Please check all that apply appropriate category for your event.

☐ Concert/Performance

☐ Exhibit

☐ Farmer's Market

☐ Festival/Fair

☒ Parade/Procession

☐ Run/Walk

☐ Food Truck Rodeo

☐ Other: _____

7. Where are you requesting for your event to occur?

Be specific identifying street names or City facilities being requested for use?

Parker/Main

8. Does your event include the request to close streets?

Yes ☒ No ☐

9. Identify the street(s) you are requesting to have closed for your event.

Main, Parker, McAden

10. Identify your street closure time(s) and will you anticipate when they will return to normal traffic flow.

Around 12pm



11. What is your anticipated event attendance total? _____

12. Does your event include musical entertainment?

___ Yes ☒ No

13. Where will your musical entertainment be located?

14. Will sound amplification be used? ___ Yes ☒ No

If yes, provide the start time and end time.

15. Will inflatables or similar devices be used at your event? ___ Yes ☒ No

If yes, please describe. *Please note, Insurance requirements must be met in order to offer this activity.

16. Does your event include the use of fireworks, rockets, lasers, or other pyrotechnics?

___ Yes ☒ No

If yes, please describe. ***Note: These requests will be subject to the approval of the City of Graham Police & Fire Departments in conjunction with State Laws governing this type of activity.

17. Will alcohol be served, sold or consumed at your event?

___ Yes ☒ No

If you answered yes to the question above, please check all that apply to your event.

___ Alcohol will be available free of charge

___ Alcohol will be by purchase only

___ Alcohol being served and or sold at my event includes

___ Beer only

___ Wine only

___ Beer & Wine



18. Describe your security plan to ensure the safe sale and or distribution of alcohol at your event.

N/A

19. Does your event include food concession and/or food preparation areas?

Yes ☐ No ☒

If yes, please select the method of cooking that pertains to your event.

☐ Gas

☐ Electric

☐ Charcoal

☐ Other: _____

20. Do you plan to provide portable toilets at your event?

Yes ☒ No ☐

If yes, list the total number of portable toilets: 5

21. Portable toilet company name: Lloyd's Portable Toilet Rental

If no, please explain _____

22. Explain your plan for cleanup and removal of trash, waste, and garbage during & after your event.

Does your event require additional trash receptacles?

Yes ☐ No ☒

If yes, what is the requested number of additional trash receptacles? _____

23. Will there be any tents, canopies or temporary structures at your event?

Yes ☐ No ☐



24. Applicant name and affiliated agency if applicable

Tammy Crawford-Alamance Co. Veteran Service

25. Applicant's Address

102 N. Maple St. Graham, NC 27253

26. Applicant's phone number

336-290-0398

27. Applicant's email address

tammy.crawford@alamancecountync.gov

28. Provide the event's point of contact if different from the applicant. (First & Last name, Phone number, & Email Address)

Brenda Adams- 336-380-1131

bperry@triad.rr.com

29. How many years has this event taken place? 10



STAFF REPORT

SUBJECT:	MUSEUM BOARD BYLAWS REVISIONS
PREPARED BY:	MEGAN GARNER

REQUESTED ACTION:

Approve the Graham Historical Museum bylaws revisions.

BACKGROUND/SUMMARY:

City Council discussed modifying the membership at the September 10, 2024 meeting. In accordance with those discussions, revised bylaws are included for your consideration. In addition to the membership modification, the meeting day has also been updated. The Graham Historical Museum Board reviewed the revisions at the September 22, 2024.

FISCAL IMPACT:

No financial impact.

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S)

Make a motion to approve the Graham Historical Museum bylaws revisions.



GRAHAM HISTORICAL MUSEUM

135 W. Elm St. – Graham, NC 27253

Graham Historical Museum Advisory Board BYLAWS

ARTICLE I: PURPOSE

The purpose of the Graham Historical Museum Advisory Board is to serve as an advisor to the City Council and Graham Department of Recreation and Parks as it relates to the operation of the Graham Historical Museum and the artifacts housed therein.

ARTICLE II: MISSION

The mission of the Graham Historical Museum Advisory Board is to:

- Create an environment that displays artifacts in a well-organized and visually appealing setting;
- Catalog items stored and displayed in the Graham Historical Museum;
- Maintain records by serving as administrator for current gifts and contributions of artifacts relevant to Graham's history;
- Serve as responsible stewards and representatives of the Graham Historical Museum;
- Encourage community involvement by promoting the Graham Historical Museum through educational programs, special events, and partnerships with local businesses, civic organizations, and City government.

ARTICLE III: APPOINTMENT

- The City Council will appoint seven (7) members to serve three-year staggered terms.
- ~~Members shall maintain permanent residence within the City of Graham or its extra-territorial jurisdiction during the entirety of their term.~~
- Of the seven (7) members, not fewer than five (5) members shall be residents of the City of Graham, and up to two (2) members may reside in either the extraterritorial jurisdictional area or within Alamance County.
- Advisory Board members shall be appointed to no more than three consecutive terms.
- A member shall be automatically removed for failure to attend two (2) consecutive Board meetings without prior notice to the Advisory Board chair. ~~In the event any members shall not comply with the foregoing, the chair shall cause written notice to be given to any such member regarding non-compliance and report those members not in compliance to the City Council. The City Council shall confirm said removal of any such non-complying members; provided, however, any such member may request a hearing before the City Council and the City Council may, upon good cause shown, reinstate said member.~~

ARTICLE IV: MEETINGS

The Graham Historical Museum Advisory Board shall hold meetings on the fourth ~~Monday~~ Tuesday of each month.

ARTICLE V: VOTING

A majority of the membership shall constitute a quorum and the concurring vote of at least a majority of those members present shall be required before any recommendation is made on any matter considered.

ARTICLE VI: OFFICERS

The Historical Museum Advisory Board shall hold annual elections to name a Chairperson, Vice-Chairperson, and Secretary by a majority vote of members present.

Officers may succeed themselves based on a majority vote by the Board membership provided they continue to meet all criteria of service.

An officer can be removed from his/her position by a two-thirds vote of the membership.

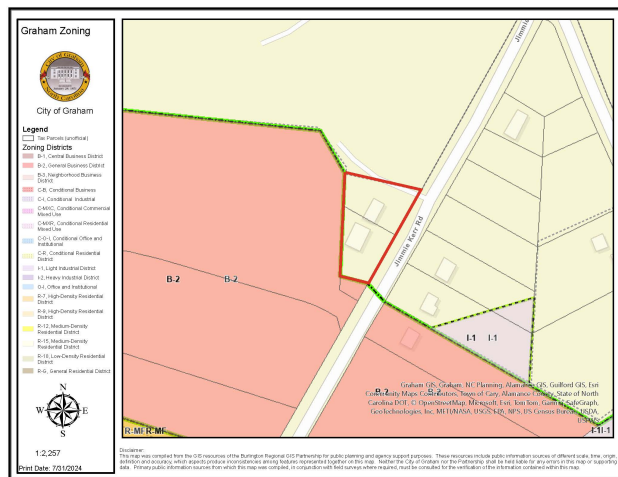
The foregoing shall become effective upon adoption by the City Council.


STAFF REPORT

SUBJECT:	ANNEXATION OF .79 +/- ACRES
PREPARED BY:	CAMERON WEST, PLANNER

REQUESTED ACTION:

Approve the Annexation Ordinance to Extend the Corporate Limits of the City of Graham, North Carolina for two tracts of land totaling .79 +/- acres located off of Jimmie Kerr Road



BACKGROUND/SUMMARY:

The attached petition is a request for the Council's approval for an extension of the corporate limits to include the subject properties. The area being considered for annexation is located off of Jimmie Kerr Road and contains approximately .79 +/- acres total. Water is located along the frontage of this property within the Jimmie Kerr Road right of way, and the applicants wish to tie onto the City's infrastructure.

FISCAL IMPACT:

New residential property generally creates positive tax revenue for the City, and because the public services are being connected at this site, the cost to the City is minimal.

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

1. I move we approve the Annexation Ordinance to Extend the Corporate limits of the City of Graham, North Carolina, for .79 (+/-)acres off of Jimmie Kerr Road.

Graham Zoning



City of Graham

Legend

□ Tax Parcels (unofficial)

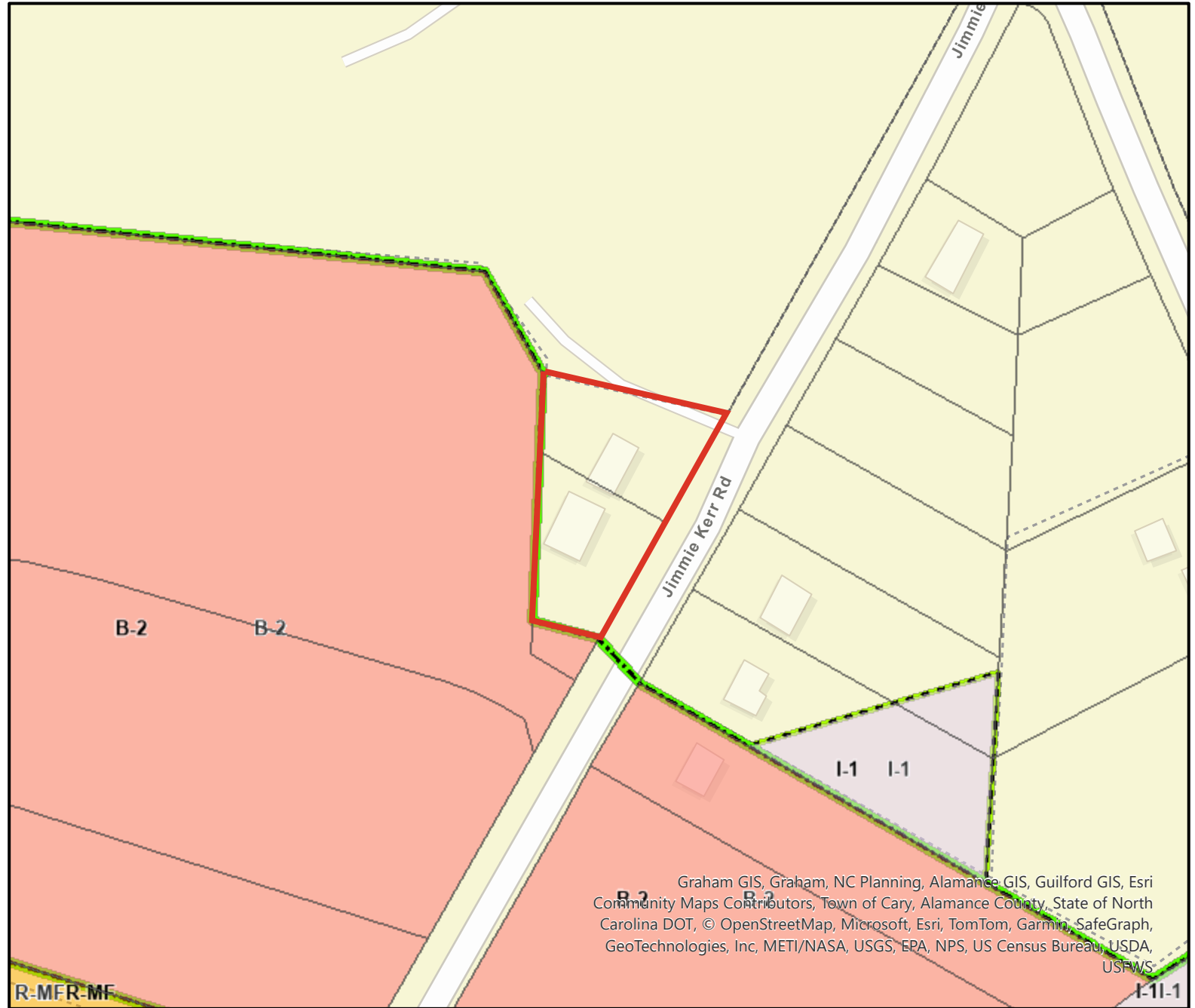
Zoning Districts

- B-1, Central Business District
- B-2, General Business District
- B-3, Neighborhood Business District
- C-B, Conditional Business
- C-I, Conditional Industrial
- C-MXC, Conditional Commercial Mixed Use
- C-MXR, Conditional Residential Mixed Use
- C-O-I, Conditional Office and Institutional
- C-R, Conditional Residential District
- I-1, Light Industrial District
- I-2, Heavy Industrial District
- O-I, Office and Institutional
- R-7, High-Density Residential District
- R-9, High-Density Residential District
- R-12, Medium-Density Residential District
- R-15, Medium-Density Residential District
- R-18, Low-Density Residential District
- R-G, General Residential District



1:2,257

Print Date: 7/31/2024



Disclaimer:

This map was compiled from the GIS resources of the Burlington Regional GIS Partnership for public planning and agency support purposes. These resources include public information sources of different scale, time, origin, definition and accuracy, which aspects produce inconsistencies among features represented together on this map. Neither the City of Graham nor the Partnership shall be held liable for any errors in this map or supporting data. Primary public information sources from which this map was compiled, in conjunction with field surveys where required, must be consulted for the verification of the information contained within this map.

**ANNEXATION ORDINANCE
TO EXTEND THE
CORPORATE
LIMITS OF THE
CITY OF GRAHAM, NORTH CAROLINA
FOR .79 ACRES OF LAND OFF OF JIMMIE KERR ROAD (AN2403)**

WHEREAS, the Graham City Council has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Graham City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and public hearing on the questions of this annexation was held at City Hall, 201 S Main Street, Graham at 6:00 P.M. on October 8th, 2024, after due notice by publication September 26th, 2024; and

WHEREAS, the Graham City Council finds that the petition meets the requirement of G.S. 160A-31.

NOW, THEREFORE, BE IT ORDNATED by the City Council of the City of Graham, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Graham as of October 8th, 2024:

Legal Description GPIN#: 8894676053

Legal Description:

Beginning at a 3/4" Rebar on the western margin of a 60' right of way (Jimmie Kerr Road, SR 1928), thence N 57° 35' 00" W a distance of 150.27' to a bent 3/4" Rebar (with nail set at base), thence N 05° 55' 32" E a distance of 83.38' to a 3/4" Iron Pipe, thence S 74° 25' 51" E a distance of 197.79' to a 3/4" Iron Pipe in the western margin of a 60' right of way (Jimmie Kerr Road, SR 1928) thence along with the right of way, S 33° 12' 54" W a distance of 131.96' to the point of

beginning, being all of Lot 1 on the Donoho Annexation Plat (#3480) by Reliant Land Survey PLLC.

Legal Description GPIN#: 8894666926

Legal Description:

Beginning at a 1/2" Iron Pipe on the western margin of a 60' right of way (Jimmie Kerr Road, SR 1928), thence N 56° 46' 57" W a distance of 52.89' to a 3/4" Iron Pipe, thence N 05° 53' 07" E a distance of 212.35' to a bent 3/4" Rebar (with nail set at base), thence S 57° 35' 00" E a distance of 150.27' to a 3/4" Rebar in the western margin of a 60' right of way (Jimmie Kerr Road, SR 1928) thence along with the right of way, S 33° 10' 37" W a distance of 190.75' to the point of beginning, being all of Lot 2 on the Donoho Annexation Plat (#3480) by Reliant Land Survey PLLC

Adopted this, the 8th day of October, 2024

Jennifer Talley, Mayor, City of Graham

ATTEST:

APPROVED AS TO FORM:

Renee M. Ward, City Clerk

Bryan Coleman, City Attorney



STAFF REPORT

Prepared by Cameron West, Planner

Jimmie Kerr Road (RZ2402)

Type of Request: Rezoning

Meeting Dates

Planning Board: September 17th, 2024

City Council on October 8th, 2024

Contact Information

Shannon Donoho

3938 Forest Oaks Lane Mebane, NC 27302

919-805-8478

boodonoho@hotmail.com

Summary

This is a request to rezone a .79-acre lot at 759 Jimmie Kerr Road and 0 Jimmie Kerr Road from Un-zoned to B-2 (General Business). The applicant wishes to make a water connection to the existing house on the property. Doing so requires the applicant to get annexed into the City. The property cannot be annexed without an appropriate zoning classification. The applicant has requested the B-2 zoning district to stay consistent with the zoning in the area and also keep the single-family home in an approved zoning use classification. The property also has a portion of land in the city that is zoned B-2. This property is not listed on the Future Land Use Map since it is outside of our city limits, but the land use maps shows the area being a Industrial/Warehousing use area. Planning Board recommended denial of the application due to the applicant not being present at the meeting.

Location

Jimmie Kerr Road

GPIN:

8894676053 & 8894666926

Current Zoning

Un-zoned

Proposed Zoning

B-2 (General Business)

Overlay District

N/A

Surrounding Zoning

B-2, Un-zoned

Surrounding Land Uses

Vacant, Single Family, Industrial

Size

.79 acres

Public Water & Sewer

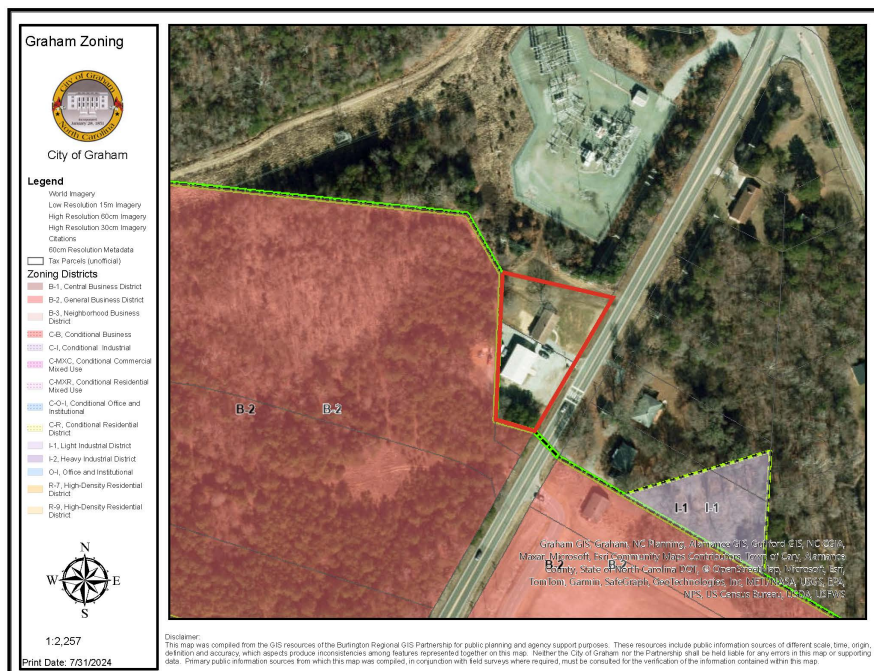
Water

Floodplain

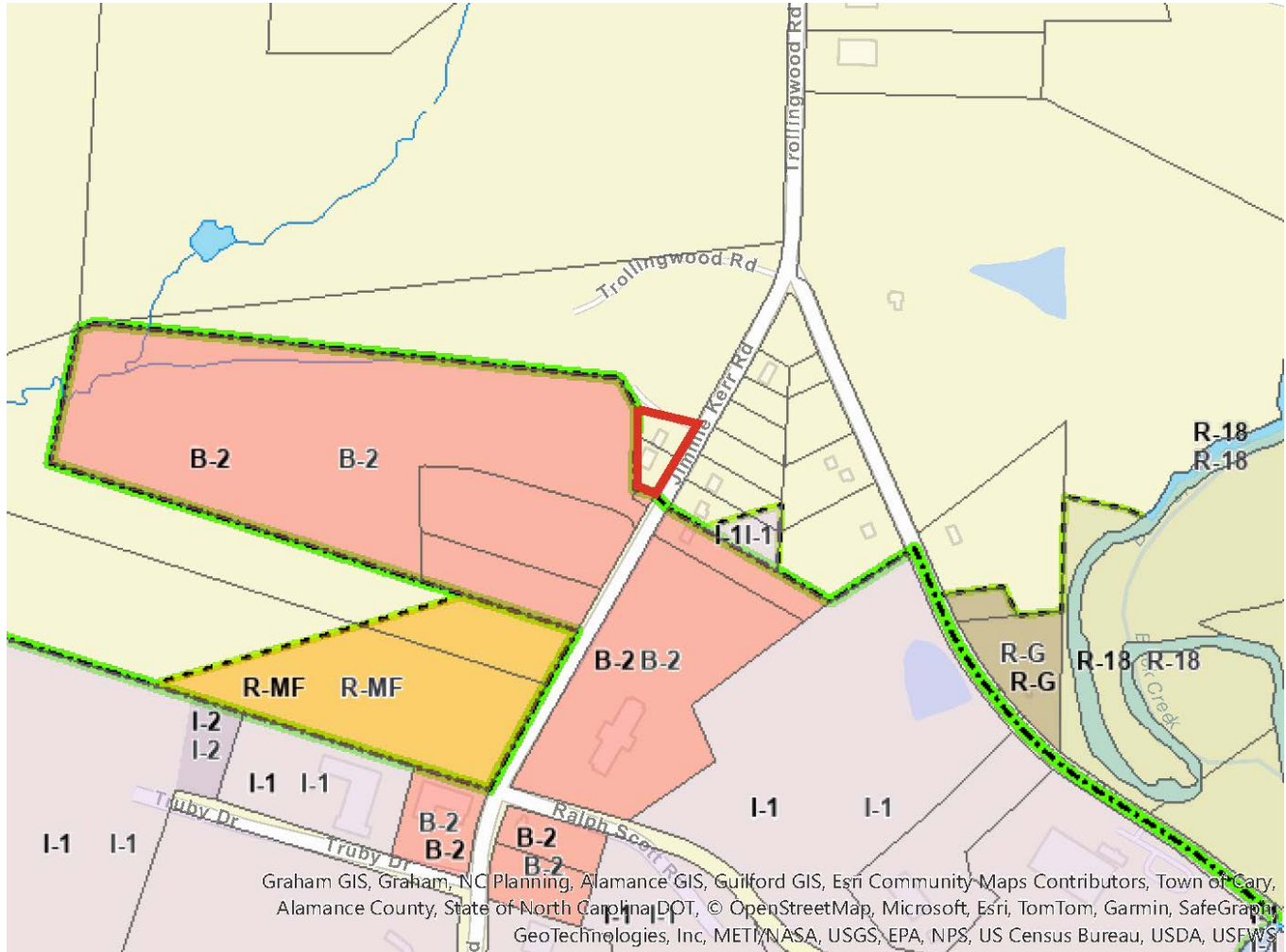
No

Staff Recommendation

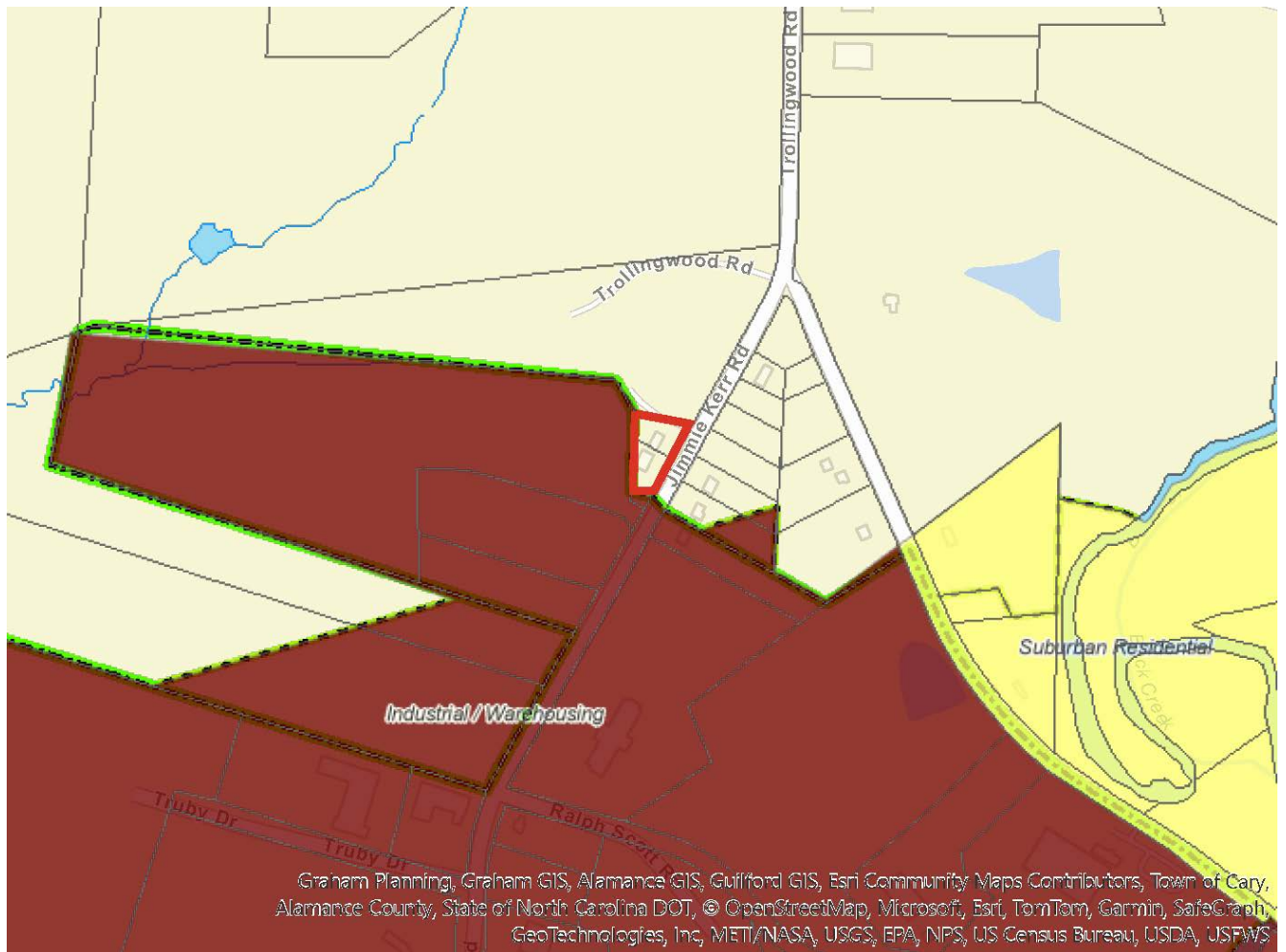
Approval



Zoning Map



Future Land Use Map



Conformity to the *Graham 2035 Comprehensive Plan (GCP)* and Other Adopted Plans

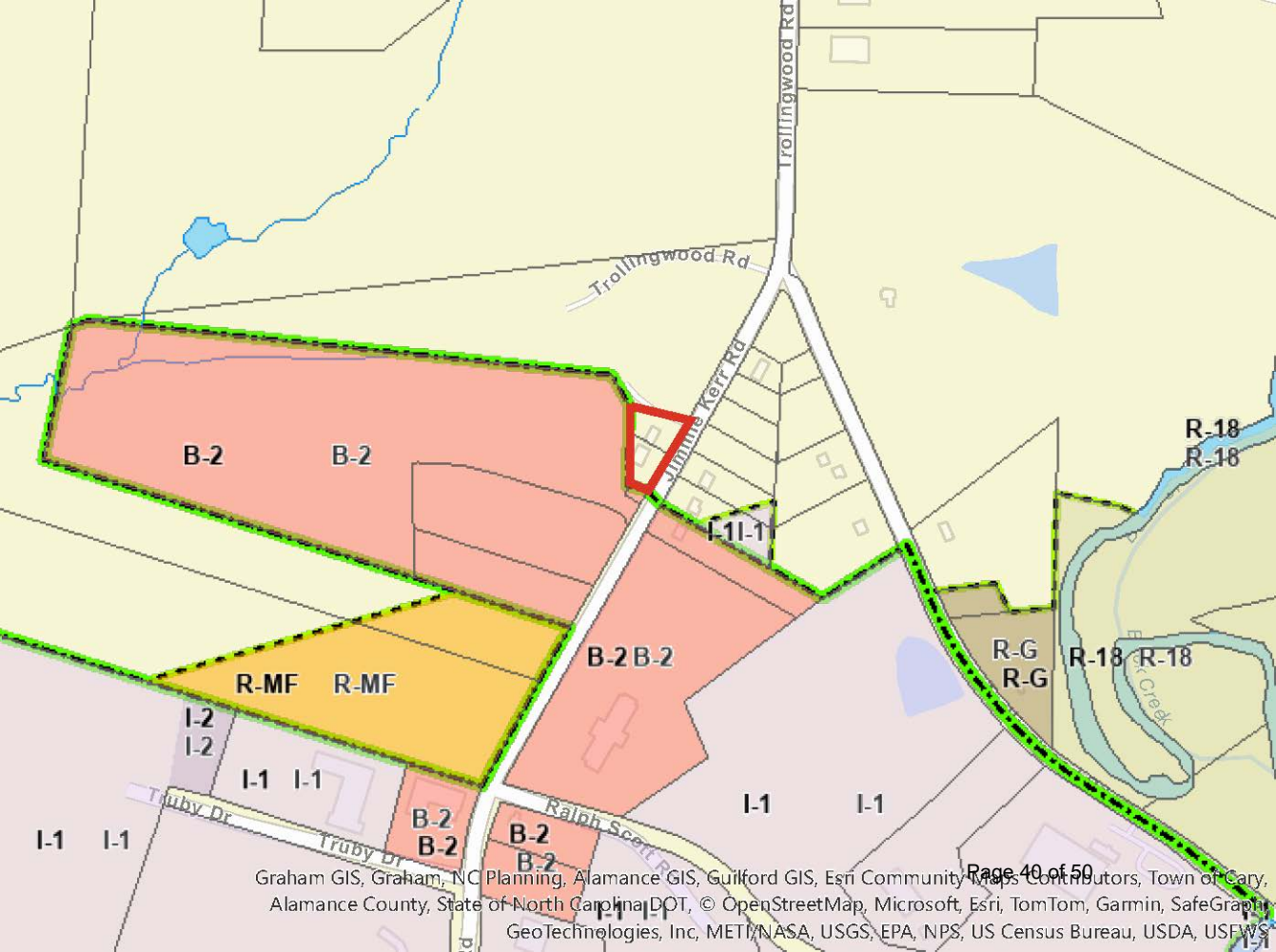
Applicable Policies:

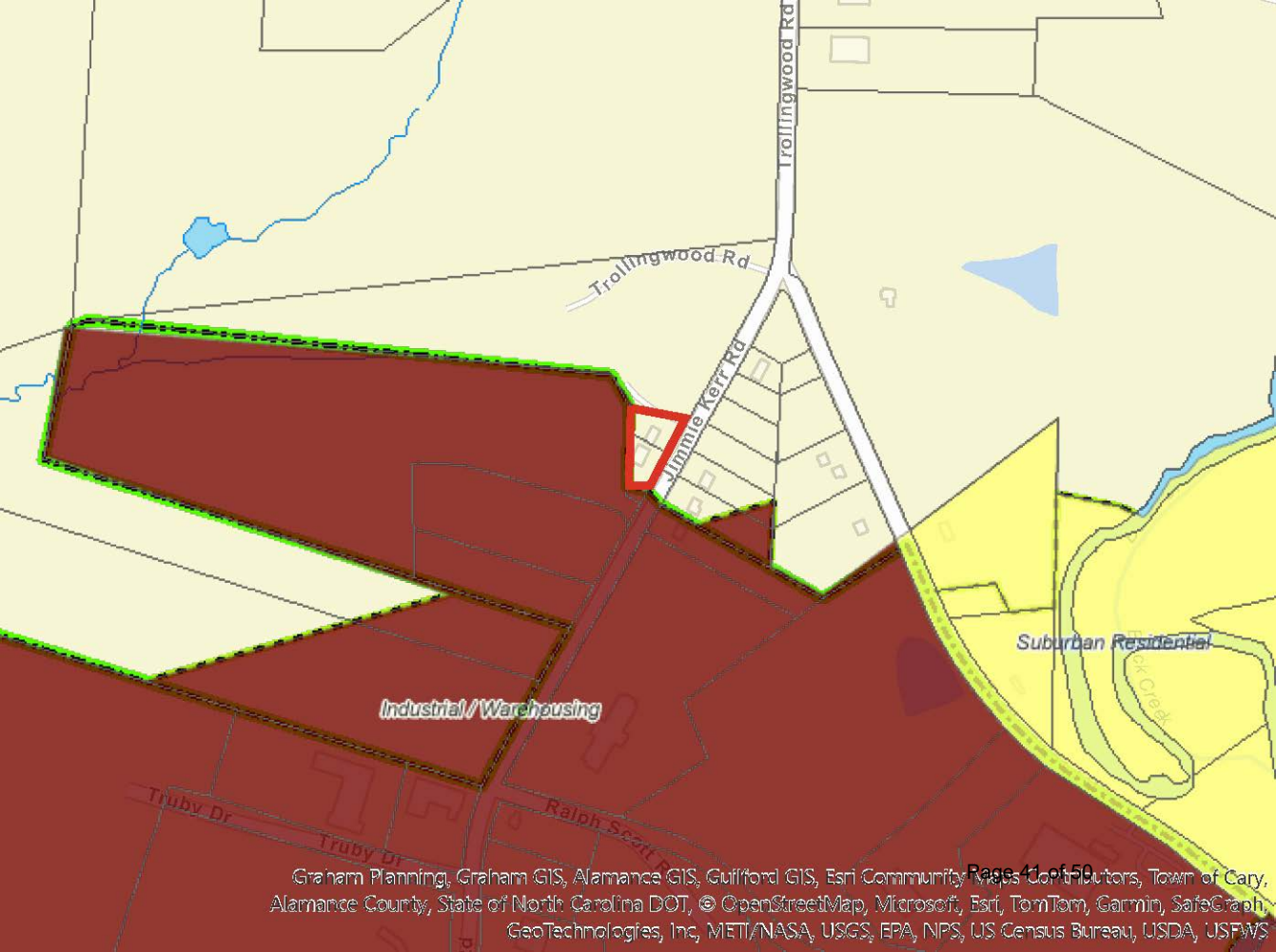
- The Future Land Use Map provides direction for land use changes in Graham over time. **Future land use designations provide information on where and how to grow in an efficient, sustainable, and orderly manner.** Physical form is a critical component of future growth and this section addresses development patterns in Graham. The Future Land Use Map follows several growth principles, and will guide the City's land use decisions.
- 2.2.1: **Focused development.** In order to maintain Graham's affordability and promote growth, the City will facilitate smart growth development by promoting infill development and focused, walkable, and mixed use, built environments.
- 2.3.2: **Innovative spaces, spaces of innovation.** Graham promotes the development of flex space, live-work units, and adaptive structures for office, retail, and light industry.

Staff Recommendation

Based on the *Graham 2035 Comprehensive Plan* and the *City of Graham Development Ordinance*, staff recommends **Approval** of the rezoning. The following supports this recommendation:

- The proposed use of a zoning is consistent with the current land zoning and land use plan for the overall goal of establishing water in this residence.





STAFF REPORT

SUBJECT:	RECREATIONAL OPEN SPACE LOCATION
PREPARED BY:	CAMERON WEST, PLANNER

REQUESTED ACTION:

Amend Development Ordinance to include a requirement for distance recreational open space needs to be from dwellings.

BACKGROUND/SUMMARY:

Council has asked staff to revisit the recently approved open space language and include a requirement of distance from dwellings the recreational open space needs to be located. Staff has provided the update that 90% of dwellings must be within a 1/4 mile (1320 feet) of a recreational open space area. Planning Board reviewed the amendment at their most recent meeting and recommended approval of the amendment with the change that the distance be lessened from 1/4 of a mile to 1/8 of a mile (660 feet). All voted in favor of the recommendation.

FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Approval

SUGGESTED MOTION(S):

I move to approve the Ordinance amendment to Article 4, Division 12, Section 10.249. Open Space Provisions for R-12, R-15, and R-18 Zoning Districts in the Development Ordinance to add location requirements for Recreational Open Space.

Section 10.249.5 Open Space Criteria

- (a) In selecting land to be set aside as open space the developer shall choose areas from the following categories in descending order of importance before designating other land for open space use.
 - (1) Designated buffer areas together with any floodway and floodplain they are buffering.
 - (2) Land within 30 feet of other bodies of water or watercourses.
 - (3) Other flood hazard areas or land with slopes greater than 15%.
 - (4) Other hazard areas or environmentally sensitive areas such as noise and privacy buffers for surrounding properties and neighborhoods.
 - (5) Lands that will protect important view sheds and/or trees along existing roads and provide privacy for the development.
 - (6) Other areas within the proposed development.
- (b) Under no circumstances may a right-of-way, easement (excluding those for public purposes), setback requirement, or a portion of a subdivided lot be considered as part of the open space requirement.
- (c) Open space areas shall be legally and easily accessible to the residents of the development from which the required open space is taken.
- (d) Recreational Open Space as defined in Section 10.249.4(f) shall not be less than 50 feet in the shortest dimension with the exception of walking trails.
- (e) In open space subdivisions which require recreational open space, as defined by Section 10.249.4 (f), 90% of lots must be located within one-quarter (1/4) mile (or 1,320 feet) of a recreational open space area. This distance will be measured in linear feet on a right-of-way that leads from a lot to a recreational open space area.

Section 10.249.6 Uses or Activities Permitted in Open Space Areas

- (1) Conservation of land in its natural state (for example, woodland, fallow field or managed meadow).
- (2) Agricultural uses, including raising of crops or livestock.
- (3) Passive recreation, including but not limited to trails, picnic areas, community gardens and lawn areas.
- (4) Active recreation areas such as golf courses, swimming areas, playing fields, playgrounds, courts and associated parking. These areas shall be designed to enhance the required open space area.
- (5) Pasture for recreational horses.
- (6) Easements for drainage, access (i.e. greenways, bike trails, etc.), sewer or water lines, or other public purposes.





STAFF REPORT

SUBJECT:	2024 PEDESTRIAN PLAN UPDATE
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

REQUESTED ACTION:

Approve City of Graham Pedestrian Plan Update.

BACKGROUND/SUMMARY:

With the approval to proceed by City Council in 2023, the City of Graham and the NCDOT Integrated Mobility Division (IMD) proceeded with an update to the existing Graham Pedestrian Plan. The current plan was adopted in 2006 with several areas needing to be revised due to the growth of the city in areas not currently highlighted in the existing plan. With consideration to the steering committee and public engagement input, recommendations were carefully integrated into the plan. Recommendations include prioritized implementation and funding strategies supporting near-term (within five years) to long-range projects, facility standards, and a cohesive vision to improve safety, comfort, and promote economic development.



In addition to supporting multimodal, Complete Streets, and community goals, the plan also looks to comply with IMD Bicycle and Pedestrian Planning Grant Initiative. The plan focuses on potential improvements, with special focus on safe crossings and connecting the City's new growth with pedestrian and multi-use path facilities.

FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Approval. Having an updated plan will better position the City to pursue funding opportunities for projects.

SUGGESTED MOTION(S):

I move we approve the City of Graham 2024 Pedestrian Plan Update.



Executive Summary

This executive summary provides a brief overview of the City of Graham Pedestrian Plan and key recommendations.

About This Plan

The City of Graham Pedestrian Plan (“the Plan”) provides guidance for the City, North Carolina Department of Transportation (NCDOT), Alamance County, Burlington-Graham Metropolitan Planning Organization (BGMPO), and other stakeholders in developing improvements to the City of Graham pedestrian infrastructure, programs, and policies.

The Plan was developed through extensive public outreach, review of existing conditions, coordination with a dedicated Steering Committee, and consideration of the City’s vision and goals. Graham seeks to become a more pedestrian friendly City that encourages the choice to walk, advance the community’s mobility and quality of life, and improve pedestrian connectivity to key destinations for residents and visitors of all ages and abilities. During the planning process, Graham residents and stakeholders voiced their concerns and hopes for walking throughout the City and to other destinations in Alamance County.

The Plan is primarily focused on infrastructure improvements in support of walking, improving crossings at roadways, and building out and connecting to a regional greenway network. The benefits of walking and recommended policies and programs to support active transportation are reviewed as part of the Plan appendices.

Priority Recommendations (Top Eight Combined Projects)

The Plan identified a total of eight priority project bundles (made up of 30 individual projects – including 13 linear pedestrian projects and 17 intersection-related projects) to improve walking in Graham. These projects were selected through a process that began with identifying the City’s vision and goals, mapping priority and secondary corridors, and creating projects to match the City’s mobility and safety needs. Finally, all recommended projects were ranked according to criteria developed with the City and Steering Committee that prioritized connections to key destinations, extending the existing pedestrian network, safety, equitable pedestrian access, recreation, and cost effectiveness. The top 8 projects are as described in Table I-1 and illustrated in the map in Figure I-1.



GRAHAM
NORTH CAROLINA

STAFF REPORT

SUBJECT:	ORDINANCE TO AMEND ENCROACHMENTS UPON STREETS, SIDEWALKS AND OTHER PUBLIC PLACES
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

REQUESTED ACTION:

Amend encroachments upon streets, sidewalks and other public places to include city parking lots.

BACKGROUND/SUMMARY:

City staff have received recent inquiries to utilize space within City parking lots for the use of a dumpster. Current ordinances do not allow encroachments within this space and staff brought this to the attention of Council at the conclusion of the September 10th meeting. By consensus, City Council directed staff to bring forward an ordinance addressing the request at the upcoming October 8th meeting. The following amendment to the Code of Ordinances adds “City Parking Lots” as an area Council may approve for permissive use.

FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Approval. The following language addresses regulatory changes in accordance with legal review.

SUGGESTED MOTION(S):

I move to approve the Ordinance amendment to CHAPTER 18- STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES, ARTICLE I- IN GENERAL, SECTIONS 18-2 and 18-6 of the Code of Ordinances.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAHAM, AMENDING CHAPTER 18,
ARTICLE I, SEC. 18-2 AND 18-6 TO THE CODE OF ORDINANCES OF THE CITY OF GRAHAM,
NORTH CAROLINA**

The City Council of the City of Graham, North Carolina, does ORDAIN:

Sec. 1. That the Code of Ordinances, City of Graham, North Carolina, is hereby amended by amending sections 18-2 and 18-6, which said sections read as follows:

****HIGHLIGHTED TEXTS ARE TO BE ADDED****

Chapter 18 – STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES

ARTICLE I. – IN GENERAL

Sec. 18-2. - Encroachment on streets and public rights-of-way.

- (a) Encroachments upon the city streets and public rights-of-way **including city parking lots** are prohibited, except as may be allowed herein. It shall be the duty of the city manager or his designee to notify all persons encroaching upon the public right-of-way, or about to erect any buildings, signs, balconies, awnings, sidewalks, walls, or fence near the street or any public way or alley not to encroach upon such street, public alley or any street right-of-way, and if any such obstruction is being or has been constructed (after the passage of this amended section) on any street, alley or any street right-of-way, the city manager shall cause a survey of the line of said street or alley to be made by a competent surveyor. "Encroach" as used in this section shall mean the construction, modification, disruption, or otherwise use of either the surface of the public right-of-way, the subterranean soils beneath the right-of-way, or the airspace above the right-of-way.
- (b) If such survey shows that the street, alley, street right-of-way, **or city parking lot** is obstructed by any buildings, sign, balcony, awning, sidewalks, wall, or fence, the owner shall be required to pay the costs of the survey and be required to remove all obstructions at once. No person who shall be found to have encroached on any street, public way, alley, street right-of-way, **or city parking lot** by any such building, sidewalk, wall, or fence shall refuse or neglect to remove the same upon notice from the city manager within one week from the date thereof.
- (c) Central business district (B-1) zone exception.
 - (1) The city has an interest in making its downtown business zone inviting to the public and accessible by local business owners. In order to promote this interest, the permissive use of public rights-of-way **including city parking lots** may be granted by the city council on a case-by-case basis under the following conditions:
 - a. Any person, either the property owner or business tenant, who wishes to encroach over, under, or upon the public right-of-way **including city parking lots** with a **temporary or** permanent improvement within the central business district (B-1) shall apply for a contract of permissive use, (license) from the city council. Licenses shall be in writing, granted by the city council, shall be revocable, and may be subject to a length of time as determined by the city council to ensure that the encroachment remains appropriate for its setting and the property owner compliant with the terms of the contract. After approval by the city council, all licenses shall be written in a manner suitable for recording in the Alamance County Register of Deeds, signed by the city manager and the property owners, and shall not be a property right that runs with the lands of the applicant. All uses permitted by the license must maintain a minimum sidewalk clearance as required

by the city ordinances and the applicant must provide evidence that the use meets all applicable development codes and standards of the city, including, but not limited to, zoning, building code, and historic resources. All licenses granted hereunder shall be kept on the premises.

- b. The licenses are not transferable or assignable from one property owner or business owner to another and are void upon the cessation of business in the name of the applicant.
- c. The construction of any use allowed by the license shall be completed within the time period established thereby or the license will automatically expire.
- d. The city council will adopt a reasonable fee for an application for an encroachment to cover the city's costs associated with processing and monitoring such license, which fee may be amended from time to time.
- e. The city manager or his designee will work with the applicant to help prepare the application for presentation to the city council. The city staff shall require the application to, and approval from the Historic Resources Commission and Technical Review Committee, if applicable. The city staff may also require the applicant to produce evidence of property ownership sufficient to establish the applicant's authority for the use of any person or entity other than the signatory and/or engineered drawings sufficient to determine the proposed use of the public space.
- f. Whenever any licensee desires to change the use or location of the use authorized by the license, the Licensee shall follow the review and approval process required of a new applicant.
- g. The application to the city council should provide proof of adequate insurance considering the type of permission being requested, the type of structure being constructed, and the length of time of the encroaching use. Failure to adequately insure the project may be grounds for disallowance by the city council.
- h. Any party aggrieved by a decision of any employee of the city after approval of the license by the city council may appeal that decision under the provisions of section 18-197(c), within five working days of the first notice of decision.

Sec. 18-6. - Obstructions.

- (a) No person shall obstruct or block any street or sidewalk in the city. It shall be unlawful for any person to build, erect, construct, or place any porch, steps, fence, wall, or other obstruction whatsoever in or over any of the streets, rights-of-way **including city parking lots**, or sidewalks, and it shall be unlawful to repair or improve any porch, steps, fence, wall or other obstruction whatsoever in or over any of the streets, sidewalks and any of the street rights-of-way in the city.
- (b) It shall be unlawful to obstruct any sidewalk, street, or any street right-of-way **including city parking lots** in the city with any buggy, wheelbarrow, wagon, automobile, truck, or any other article.

Sec. 2. That this Ordinance shall be in full force and effect from and after its passage, approval, and publication, as provided by law and all ordinances in conflict herewith are hereby repealed.

Adopted, this the 8th day of October 2024.

Jennifer Talley, Mayor

ATTEST:

Renee M. Ward, City Clerk

**AMENDMENTS TO
ARTICLE I: STREETS, SIDEWALKS AND
OTHER PUBLIC PLACES.**

1. That 18-2(a) be amended to add a revised first sentence to read:

Encroachments upon the city streets and public rights-of-way **including city parking lots** are prohibited, except as may be allowed herein...

2. That Section 18-2(b) be amended to revise the section to read:

If such survey shall show that the street, alley, street-of-way, **or city parking lot** is obstructed by any buildings, sign, balcony, awning, sidewalks, wall, or fence, the owner shall be required to pay the costs of the survey and be required to remove all obstructions at once. No person who shall be found to have encroached on any street, public way, street right-of-way, **or city parking lot** by any such building, sidewalk, wall, or fence shall refuse or neglect to remove the same upon notice from the city manager within one week from the date thereof.

3. That Section 18-2 (c)(1) be amended to revise the section to read:

The city has an interest in making its downtown business zone inviting to the public and accessible to local business owners. To promote this interest, the permissive use of public rights-of-way **including city parking lots** may be granted by the city council on a case-by-case basis under the following conditions:

4. That Section 18-2(c)(1)(a) be amended to revise the section to read:

Any person, either the property owner or business tenant, who wishes to encroach over, under, or upon the public right-of-way **including city parking lots** with a **temporary or** permanent improvement within the central business district (B-1) shall apply for a contract of permissive use, (license) from the city council...

5. That Section 18-6(a) be amended to revise the section to read:

No person shall obstruct or block any street or sidewalk in the city. It shall be unlawful for any person to build, erect, construct, or place any porch, steps, fence, wall, or other obstruction whatsoever in or over any of the streets, rights-of-way **including city parking lots**, or sidewalks, and it shall be unlawful to repair or improve any porch, steps, fence, wall or other obstruction whatsoever in or over any of the streets, sidewalks and any of the street rights-of-way in the city.

6. That Section 18-6(b) be amended to revise the section to read:

It shall be unlawful to obstruct any sidewalk, street, or street right-of-way **including city parking lots** in the city with any buggy, wheelbarrow, wagon, automobile, truck, or any other article.

7. That these amendments shall be effective upon adoption.